

FILED
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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff,

vs.

Defendant.

CV 08

1691

CASE NO. _____
PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

SBA
(PR)

J20913

I, DERRICK SIMS, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No ☒

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: \$2 Net: \$2

Employer: N/A

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 N/A
 5 _____
 6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

- 9 a. Business, Profession or Yes ___ No ☒
 10 self employment
 11 b. Income from stocks, bonds, Yes ___ No ☒
 12 or royalties?
 13 c. Rent payments? Yes ___ No ☒
 14 d. Pensions, annuities, or Yes ___ No ☒
 15 life insurance payments?
 16 e. Federal or State welfare payments, Yes ___ No ☒
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 N/A
 22 _____
 23 _____

23 3. Are you married? Yes ___ No ☒

24 Spouse's Full Name: _____

25 Spouse's Place of Employment: _____

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ _____ Net \$ _____

28 4. a. List amount you contribute to your spouse's support: \$ _____

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

N/A

5. Do you own or are you buying a home? Yes ___ No ☒

Estimated Market Value: \$ 0 Amount of Mortgage: \$ 0

6. Do you own an automobile? Yes ___ No ☒

Make Year Model

Is it financed? Yes ___ No ☒ If so, Total due: \$ 0

Monthly Payment: \$ 0

7. Do you have a bank account? Yes ___ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: N/A

Present balance(s): \$

Do you own any cash? Yes ___ No ☒ Amount: \$ 0

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ___ No ☒

8. What are your monthly expenses?

Rent: \$ 0 Utilities: 0

Food: \$ 0 Clothing: 0

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on this Account
	\$ <u>0</u>	\$ <u>0</u>
	\$ <u>0</u>	\$ <u>0</u>
	\$ <u>0</u>	\$ <u>0</u>

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

N/A

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes ☒ No ☐

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

HCPB 07-5163 DEL NORTE

SUPERIOR CT.

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

2/25/08
DATE


SIGNATURE OF APPLICANT

Case Number: _____

Case Number: _____

CERTIFICATION OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Derrick Sims J20913 for the last six months at Pelican Bay State Prison where he is confined.

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$31.67 and the average balance in the prisoner's account each month for the most recent 6-month period was \$63.88. (20% = \$12.78)

Dated: 2/28/08

L. Alan Carter, Jr.
Authorized officer of the institution



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST: 2-28-08
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY J. Kleppin
TRUST OFFICE

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of _____ for the last six months at

[prisoner name]

_____ where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ _____ and the average balance in the prisoner's account each month for the most recent 6-month period was \$ _____.

Dated: _____

[Authorized officer of the institution]

CALIFORNIA DEPARTMENT OF CORRECTIONS
 PELICAN BAY STATE PRISON
 INMATE TRUST ACCOUNTING SYSTEM
 INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: AUG. 01, 2007 THRU FEB. 26, 2008

ACCOUNT NUMBER : J20913
ACCOUNT NAME : SIMS, DERRICK
PRIVILEGE GROUP: D

BED/CELL NUMBER: DF05U 000000211L
ACCOUNT TYPE: I

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
08/01/2007		BEGINNING BALANCE					0.00
09/06	D300	CASH DEPOSIT	1107 #46		140.00		140.00
09/06	W512	LEGAL POSTAGE	1123			1.31	138.69
09/07	W516	LEGAL COPY CH	1173			13.68	125.01
09/12	W512	LEGAL POSTAGE	1239			1.48	123.53
09/17	W516	LEGAL COPY CH	1306			1.10	122.43
09/17	W516	LEGAL COPY CH	1306			3.00	119.43
10/02	FC04	DRAW-FAC 4	1541 C2			45.00	74.43
10/02	W415	CASH WITHDRAW	1557 CKREQ 283148454			11.95	62.48
10/12	W415	CASH WITHDRAW	1731 CKREQ 283148562			10.95	51.53
11/01	W502	POSTAGE CHARG	2006			1.99	49.54
11/05	W516	LEGAL COPY CH	2027			0.20	49.34
11/05	FC05	DRAW-FAC 5	2043 D-5			45.00	4.34
11/30	FR01	CANTEEN RETUR	702364			19.95	24.29
12/04	FC05	DRAW-FAC 5	2411 D-5			24.29	0.00
12/31	FR01	CANTEEN RETUR	702748			2.35	2.35
		ACTIVITY FOR 2008					
01/15	W516	LEGAL COPY CH	2995			0.95	1.40
01/15	W516	LEGAL COPY CH	2995			1.40	0.00
01/24	D300	CASH DEPOSIT	3186811/18		50.00		50.00
01/25	W516	LEGAL COPY CH	3208			2.10	47.90
01/30	*W512	LEGAL POSTAGE	3275			2.84	45.06
01/30	W512	LEGAL POSTAGE	3275			2.67	42.39
01/30	*W512	LEGAL POSTAGE	3275			0.58	41.81
01/31	W501	SHIPPING CHAR	3294			7.69	34.12
01/31	W517	WRAP/S	3294			0.50	33.62
01/31	W502	POSTAGE CHARG	3298			0.41	33.21
02/04	FC05	DRAW-FAC 5	3371 D-5			33.21	0.00

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	190.00	190.00	0.00	0.00	0.00



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST: 2-28-08
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY J. Kleppin
TRUST OFFICE

CURRENT
AVAILABLE
BALANCE

0.00
